

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH COLE, JACKIE BRANNUM, RICHARD	§	
KING, MICHAEL DENTON, FRED WALLACE,	§	
and MARVIN RAY YATES, individually and on	§	
behalf of those similarly situated,	§	CIVIL ACTION NO.
	§	4:14-cv-1698
Plaintiffs,	§	
	§	
v.	§	
	§	
BRYAN COLLIER, in his official capacity,	§	
ROBERTO HERRERA, in his official capacity, and	§	
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,	§	
	§	
Defendants.	§	

PLAINTIFFS' RESPONSE IN OPPOSITION TO OPT OUT REQUESTS

Plaintiffs respectfully request the Court deny requests to opt out filed by non-class members Dung Tran (Doc. 841, 849, and 852), Ralph Johnson (Doc. 868), Jeffrey Alan Olivan (Doc. 880), Brandon Meadors (Doc. 881), Anthony L. Diaz (Doc. 882), Larry Dynel Dever (Doc. 883), Cory Cochran (Doc. 884), Ryan Howard (Doc. 910 and 918), Boris Moglievich (Doc. 927), Owen Jones (Doc. 936), and Samuel Solomon (Doc. 911) on the same basis the Court denied non-class-member Raymond Torres's similar motion to opt out. *See* Doc. 1116, pg. 4. These gentlemen ceased to be class members when they departed the Pack Unit. *See* Doc. 1064. Therefore, these inmates are no longer class members and have no class to "opt out" of.

Likewise, Plaintiffs respectfully request the Court deny without prejudice requests to opt out filed by class members Scott Douglas Gary (Doc. 886) and Steven Tidball (Doc. 933). Mr. Douglas Gary and Mr. Tidball asked to "opt out" prior to notice of the settlement and the

explanation of their rights. The Court previously denied similar motions to “opt out” filed by class members. *See* Doc. 1116, pg. 11.

Date: May 7, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case File System of the Southern District of Texas. A copy of this has been mailed via First Class U.S. Mail to every pro se party identified herein.

/s/ Jeff Edwards
JEFF EDWARDS